

**TWENTY-THIRD LEGISLATIVE DAY  
TUESDAY, JANUARY 28, 2003**

House of Representatives

The House convened at 1 p.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Beiter, Schaefer. Total -- 2.

Total -- 70.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jenna Adams, Page.

**Approval of Journal**

January 28, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

January 28, 2003

Mr. Speaker:

I transmit herewith **S 1005, S 1006, S 1007, S 1008, S 1022, S 1009, and S 1025** which have passed the Senate.

WOOD, Secretary

**S 1005, S 1006, S 1007, S 1008, S 1022, S 1009, and S 1025** were filed for first reading.

There being no objection, the House advanced to the Fifth Order of Business.

**Report of Standing Committees**

January 28, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HCR 4, HCR 5, HCR 6, HCR 7, H 1, and H 70**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HCR 4, HCR 5, HCR 6, HCR 7, H 1, and H 70**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

January 27, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 50, H 71, and H 86** and recommend that they do pass.

FIELD(18), Chairman

**H 50, H 71, and H 86** were filed for second reading.

January 27, 2003

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration **H 67** and recommend that it do pass.

STEVENSON, Chairman

**H 67** was filed for second reading.

January 27, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 30, H 59, and H 60** and recommend that they do pass.

BLACK, Chairman

**H 30, H 59, and H 60** were filed for second reading.

January 27, 2003

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 61** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

**H 61** was placed on General Orders for consideration.

January 28, 2003

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 83 and H 44** and recommend that they do pass.

DEAL, Chairman

**H 83 and H 44** were filed for second reading.

January 28, 2003

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 82 and H 88** and recommend that they do pass.

CROW, Chairman

**H 82 and H 88** were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 123**  
**BY JUDICIARY, RULES, AND ADMINISTRATION**  
**COMMITTEE**

AN ACT

RELATING TO THE CRIME OF INCEST; AMENDING  
 SECTION 18-6602, IDAHO CODE, TO INCREASE THE  
 MAXIMUM PRISON TERM FOR THE CRIME OF INCEST.

**HOUSE BILL NO. 124**  
**BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO INVESTMENT OF IRRIGATION  
 DISTRICT FUNDS; AMENDING SECTION 43-1507, IDAHO  
 CODE, TO CORRECT A CODE CITATION, TO PERMIT  
 INVESTMENT OF SURPLUS FUNDS IN CERTAIN  
 ADDITIONAL WARRANTS OR BONDS, TO INCLUDE  
 REFERENCE TO WARRANTS AND TO MAKE TECHNICAL  
 CORRECTIONS.

**HOUSE BILL NO. 125**  
**BY RESOURCES AND CONSERVATION COMMITTEE**

AN ACT

RELATING TO USE OF DITCHES, CANALS,  
 LATERALS AND DRAINS; AMENDING CHAPTER 43,  
 TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW  
 SECTION 18-4311, IDAHO CODE, TO MAKE  
 RECREATIONAL USE OF DITCHES, CANALS, LATERALS  
 AND DRAINS AN INFRACTION WHERE SUCH USE IS  
 PROHIBITED BY THE OWNER; AND AMENDING  
 SECTION 36-1601, IDAHO CODE, TO PROVIDE THAT  
 DITCHES, CANALS, LATERALS AND DRAINS ARE NOT  
 CLASSIFIED AS NAVIGABLE STREAMS.

**HOUSE BILL NO. 126**  
**BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO SCHOOL DISTRICT FUNDS;  
 AMENDING SECTION 33-1002D, IDAHO CODE, TO  
 PROVIDE AN ANNUAL AMOUNT TO BE DISTRIBUTED  
 AS PROPERTY TAX RELIEF FOR SCHOOL SUPPORT AND  
 TO REVISE THE DISTRIBUTION FORMULA TO  
 DISTRICTS; AMENDING SECTION 33-1002, IDAHO CODE,  
 TO REVISE THE LOCAL DISTRICTS' CALCULATION  
 CONTRIBUTION; AMENDING SECTION 63-3638, IDAHO  
 CODE, TO PROVIDE A TRANSFER FROM THE SALES  
 TAX RECEIPTS TO THE SCHOOL PROPERTY TAX  
 REPLACEMENT, TO PROVIDE CORRECT CODE  
 REFERENCES AND TO MAKE A TECHNICAL  
 CORRECTION; AMENDING SECTION 63-316, IDAHO  
 CODE, TO PROVIDE CORRECT CODE REFERENCES;  
 DECLARING AN EMERGENCY AND PROVIDING  
 RETROACTIVE APPLICATION.

**H 123, H 124, H 125, and H 126** were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**S 1005, S 1006, S 1007, and S 1008**, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

**S 1009**, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

**S 1022 and S 1025**, by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

**HCR 12**, by Resources and Conservation Committee, was read the second time by title and filed for third reading.

**H 78, H 84, and H 85**, by State Affairs Committee, were read the second time by title and filed for third reading.

**S 1014**, by Finance Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

**H 72** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall **H 72** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Bieter, Schaefer. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 72** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 33** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cannon to open

debate.

The question being, "Shall **H 33** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Barrett, Crow, McKague. Total -- 3.

Absent and excused -- Bieter, Field(18), Schaefer. Total -- 3.  
Total -- 70.

Whereupon the Speaker declared **H 33** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 4** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 4** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bieter, Field(18), Schaefer. Total -- 3.  
Total -- 70.

Whereupon the Speaker declared **H 4** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

**H 5** was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Langhorst to open debate.

The question being, "Shall **H 5** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker. Total -- 66.

NAYS -- Clark. Total -- 1.

Absent and excused -- Bieter, Field(18), Schaefer. Total -- 3.  
Total -- 70.

Whereupon the Speaker declared **H 5** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 6** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### Adjournment

Mr. Denney moved that the House adjourn until 1 p.m., Wednesday, January 29, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:29 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk